

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

SHARON A. WHITE,

Plaintiff,

v.

GOLDEN CHICKEN,

Defendant.

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Civil Action No. **3:16-CV-1038-L**

ORDER

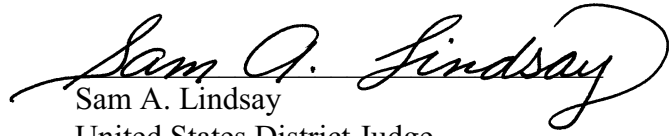
This case was referred for screening to Magistrate Judge Renée Harris Toliver, who entered Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) on June 15, 2016, recommending that the court dismiss with prejudice this employment law action for failure to state a claim because Plaintiff’s claims are time-barred and equitable tolling is not warranted. Plaintiff filed an “Appeal Letter” on June 27, 2016, which the court construes as objections to the Report.

After reviewing the pleadings, record in this case, and Report, and having conducting a de novo review of that portion of the Report to which objection was made, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. Accordingly, the court **overrules** Plaintiff’s objections and **dismisses with prejudice** this action for failure to state a claim, as Plaintiff’s claims are time-barred and equitable tolling is not warranted. *See* 28 U.S.C. § 1915(e)(2)(B).

The court prospectively **certifies** that any appeal of this action would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3); Fed. R. App. 24(a)(3). In support of this certification, the court

accepts and incorporates by reference the Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) and the court’s order accepting the Report. *See Baugh v. Taylor*, 117 F.3d 197, 202 and n.21 (5th Cir. 1997). Based on the foregoing orders, the court concludes that any appeal of this action would present no legal point of arguable merit and would therefore be frivolous. *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). In the event of an appeal, Plaintiff may challenge this certification by filing a separate motion to proceed *in forma pauperis* on appeal with the clerk of the United States Court of Appeals for the Fifth Circuit. *See Baugh*, 117 F.3d at 202; Fed. R. App. 24(a)(5).

It is so ordered this 12th day of July, 2016.


Sam A. Lindsay
United States District Judge